

Serial No. : 09/604,595  
Docket No.: ST97001CI2 (209-US-CIP2)

REMARKS

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Claims 1, 3, 6, 8, 10, 16, 18, 20-22, 25, 26, 33 and 34 are pending in this application after amending the claims. Claims 21, 22, 25, 26, 33 and 34 were allowed. Applicant has amended claims 1, 3, 6, 8, 10, 16, 18, and 20, while canceling claim 5. No inference should be made about the patentability of the cancelled claims other than they were cancelled in order to expedite the issuance of this application. Applicant believes that no new matter has been added by this response.

Response to 35 U.S.C. §102 Rejection

The Examiner rejected claims 1, 3, 5, 6, 8, 10, under 35 U.S.C. §102(e) as being anticipated by *Kawabe et al.* patent (U.S. Pat. No. 6,377,613, hereafter the '613 patent). The '613 patent fails to teach or show the odd-even switch or selection of the odd-even PN stage as claimed and described in the specification. Therefore, the amended claims are in condition for allowance.

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Response to 35 U.S.C. §103(a) Rejection

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To establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The Examiner rejected claims 16, 18 and 20 under 35 U.S.C. 103(a) as being unpatentable over Kawbe et al. (US Patent No. 6,377,613 hereafter the '613 patent) in view of Langberg et al. (US Patent 5,852,603, hereafter the '603 patent). The combination of the '613 patent in view of the '603 patent fails to establish a *prima facie* case of obviousness. Neither reference alone or when combined teach or describe the odd-even switch or odd-even PN stage as claimed by the applicant and described in the specification.

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Conclusion

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In view of the foregoing discussion and amendments, Applicant respectfully submits that claims 1, 3, 6, 8, 10, 16, 18, 20-22, 25, 26, 33 and 34 as presented are in a condition for allowance, for which action is earnestly solicited.

Respectfully submitted,

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